

**City of Greensboro Planning Department
Zoning Staff Report and
Plan Amendment Evaluation
March 13, 2006 Public Hearing**

The information provided in this staff report has been included for the purpose of reviewing proposed zoning changes. Since the zoning process does not require a site plan, there may be additional requirements placed on the property through the Technical Review Committee process to address subdivision and development regulations.

Item: B
Location: 2504 New Garden Road East (South side of New Garden Road East, east of Lawndale Drive)

Applicant: Stephen Marks
Owner: Stephen and Sigrid Marks

GFLUM

From: Low Residential
To: Commercial

Zoning

From: CD-GB
To: CD-GB

- Conditions:**
- 1) Uses: All uses permitted in the General Business zoning district except the following: Billiard Parlors, Fortune Tellers, Automobile Rental or Leasing, Automobile Services (major or minor), Banks, Hotels/Motels, Convenience Stores with fuel pumps, Restaurants with drive-thru, Service Stations, Bars, Kennels, and Veterinary Services.
 - 2) Exterior building materials shall consist primarily of brick, split block, stone or stucco.
 - 3) Building shall be limited to one story.

SITE INFORMATION	
Maximum Developable Units	N/A
Net Density	N/A
Existing Land Use	Vacant building
Acreage	0.461
Physical Characteristics	<i>Topography:</i> Generally flat <i>Vegetation:</i> Grass <i>Other:</i> N/A
Overlay Districts	N/A
Historic District/Resources	N/A
Generalized Future Land Use	Low Residential
Other	N/A

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Vacant, wooded land	RS-12
<i>South</i>	Property has been graded & is under development for commercial enterprise	CD-GB (#3378)
<i>East</i>	Single family detached dwelling & accessory building	CD-LI
<i>West</i>	Convenience store with gas pumps	LB

ZONING HISTORY		
Case #	Year	Request Summary
1868-4	1984	Subject property was annexed and zoned CU-LI.
2358	1993	Subject property was rezoned from CU-LI to CU-LI by Zoning Commission.
2373	1993	Subject property was rezoned from CU-LI to CU-GB by Zoning Commission.
2622	1997	Subject property was rezoned from CU-GB to CU-GB by Zoning Commission (see Staff Comments for additional details).

DIFFERENCES BETWEEN CD-GB (EXISTING) AND CD-GB (PROPOSED) ZONING DISTRICTS
<p>CD-GB: GB Districts are primarily intended to accommodate a wide range of retail, service, and office uses. The district is typically located along thoroughfares in areas which developed with minimal front setbacks. The existing conditional district zoning permits recording studios, business offices, and wholesale & retail sales of music items; professional offices; counseling services; and contractors with no outside storage.</p>
<p>CD-GB: The proposed conditional district zoning would expand the number of permitted uses with certain uses excluded such as automobile repair services, convenience stores, restaurants with drive-thru, and service stations. See Conditions for complete list of excluded uses and other property restrictions.</p>

TRANSPORTATION	
Street Classification	New Garden Road East – Collector Street.
Site Access	Existing.
Traffic Counts	None available.
Trip Generation	N/A.
Sidewalks	N/A.
Transit	Yes.
Traffic Impact Study	Not required per TIS Ordinance.
Street Connectivity	N/A.
Other	N/A.

ENVIRONMENTAL REVIEW	
Water Supply Watershed	Yes, Site drains to Greensboro Watershed WS III
Floodplains	N/A
Streams	N/A
Other	Maximum percentage of built upon area per watershed density is 70%. Low density development is for sites where the proposed built upon area is from 0-24% of the total site acreage and high density development is from 24-70%. If high density development is proposed all the built upon area must drain and get treated by a State approved device (pond or similar).

LANDSCAPING REQUIREMENTS	
Location	Required Planting Yard Type and Rate
<i>North</i>	N/A
<i>South</i>	N/A
<i>East</i>	N/A
<i>West</i>	N/A

CONNECTIONS 2025 COMPREHENSIVE PLAN POLICIES

Connections 2025 Written Policies:

Growth at the Fringe Goal: Provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. Development will increase density and mix land uses at a pedestrian scale with sidewalks, bikeways, and where possible, public transit.

Economic Development Goal: Promote a healthy, diversified economy with a strong tax base and opportunities for employment, entrepreneurship and for-profit and non-profit economic development for all segments of the community, including under-served areas such as East Greensboro.

POLICY 7C: Ensure that city land use policies and regulations allow for an adequate supply of land to accommodate economic development.

POLICY 7C.1: Ensure that adequate land is zoned and has infrastructure available for the various stages of business development.

POLICY 7C.3: Identify brownfield sites and ***underutilized/abandoned properties and buildings*** and expedite opportunities for development.

Connections 2025 Map Policies:

The area requested for rezoning lies within the following map classifications:

Existing:

Low Residential (3-5 d.u./acre): This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

Proposed:

Commercial: This designation applies to large concentrations of commercial uses, such as recently constructed major shopping centers and "big box" retail. Such properties may not be expected to undergo redevelopment or a change in use over the plan horizon, and the immediate areas in which they are located may not be suitable for the introduction of mixed uses. While some new commercial centers are anticipated, in general new retail and commercial service uses will be encouraged within more diversified mixed-use centers rather than as stand-alone shopping centers or expanding highway commercial "strips."

COMPREHENSIVE PLAN AMENDMENT HISTORY		
Case #	Date	Request Summary
CP-05-06	8/1/05	An area of approximately 1 acre on the east side of Lawndale Drive south of New Garden Road East was amended from Low Residential to Commercial.

APPLICANT STATED REASONS FOR REQUEST**Explain in detail why the change is needed and a justification for such a change:**

I have been marketing this building as an office building unsuccessfully with three brokers and we are just [not] getting any interest. The office vacancy rate in our city is high. We have had interest from several prospective tenants who have interest in the space for retail or service businesses. The building was annexed into the City in 1984 as a commercial property and has had its conditional use zoning revised three times for additional permitted uses. It appears that based on the interest in the building the best way to address its zoning, for all parties, is to change it to commercial properties so the expansion of its current Conditional Use zoning will not impact my neighbors.

Explain in detail the conditions that you think may warrant a Plan Amendment (i.e. unforeseen circumstances or the emergence of new information, unanticipated changes in development pattern, rezonings, transportation improvements, economic opportunities, changes in socioeconomic conditions, etc.):

The property is currently surrounded by non-residential zoned properties on all four sides. The property that adjoins me to the south was just rezoned from residential to commercial last year

as well as having its Comp Plan designation adjusted to Commercial. The change that I am asking for on the map is actually a case of clarifying the map to reflect how the property has been used for over 30 years. This intersection has been a part of the residential neighborhood for as long as I can remember. The change will allow for this property to be more viable with additional employment for Greensboro. I am having serious conversations with a new business from out of town that is interested in locating here. I will be improving the property aesthetically which is now exposed to view from Lawndale Drive. This adjustment will benefit the City because I will be increasing the tax base. I do not feel that this adjustment will require any additional city services.

COMPREHENSIVE PLAN ANALYSIS

Need for the Proposed Change:

This request is supported by the Reinvestment and Infill Goal and the Economic Development Goal and Policies 7C., 7C.1, and 7C.3, which encourage the reuse of underutilized buildings and the provision of jobs.

The character of this request and other adjacent non-residential uses are at the neighborhood commercial scale which are compatible with the surrounding neighborhood.

Effect of the proposed Change on the Need for City Services and Facilities (e.g. roadway level of service, traffic counts, planned road improvements, transit, accidents statistics, and environmental constraints such as; location within a Water Supply Watershed, floodplain, streams):

None

Implications, if any, the Amendment may have for Other Parts of the Plan:

This request and the former amendment to the south may encourage other properties in this area to make similar requests.

Unforeseen Circumstances or the Emergence of New Information (e.g. significant economic opportunity in Tier 2 or 3):

The Generalized Future Land Use Map was amended to the Commercial land use classification for the adjacent property to the south of this request.

COMPREHENSIVE PLAN MONITORING COMMENTS

The Monitoring Committee met on March 6, and made the following comments concerning this request:

- Reflects broadening of a use that has been there;
- It gives it more flexibility; and
- It makes the zoning consistent with the land use.

CONFORMITY WITH OTHER PLANS

The following aspects of relevant plans may be applicable in this case:

City Plans: N/A

Other Plans: N/A

STAFF COMMENTS

Planning: The three lots on the south side of New Garden Road East that are currently zoned LB, CD-GB (#2622 – the subject property) and CD-LI (1968-4) were annexed into the City in 1984 and the following history applies to them:

- 1) At the time of annexation, the original zoning of CU-Industrial L was established for all three lots with uses limited to curb markets, woodworking shops, offices, general contractor businesses and accessory uses.
- 2) At the time of UDO implementation, the original zoning of LB was established for the convenience store/gas station corner lot and the two lots to the east were designated as CU-LI with the same use limitations as described in 1) above.
- 3) In April 1993, the Zoning Commission approved a rezoning request for the middle lot (the subject property) from CU-LI to CU-LI which limited uses to offices; general contractor businesses; office equipment and/or computer sales, maintenance and service; and accessory uses.
- 4) In August 1993, the Zoning Commission approved a rezoning request for the subject property from CU-LI to CU-GB with uses limited to a recording studio with cassette sales, audio/video duplication and recording, business offices, wholesale/retail sales of associated music items; and accessory uses with a requirement that the recording sections of the building would be totally soundproofed.
- 5) In November 1997, the Zoning Commission approved a rezoning request for the subject property from CU-GB to CU-GB (#2622) which added professional offices; counseling services; and contractors (no outside storage) to the uses listed in 4) above.
- 6) The lot to the east remains under the initial conditional Light Industrial zoning with use limitations as described in 1) above.

The property containing the assisted living facility was rezoned by the Zoning Commission in May 1997. Among other conditions, this property was limited to two one-story buildings with a maximum of 33,000 square feet in one building and a maximum of 12,000 square feet in the other building.

The property containing Lawndale Veterinary Hospital was annexed in 1984 with original zoning of CU-Industrial L. It was converted to the GB classification at the time of city-wide remapping to implement the UDO in 1992.

The property to the south of the subject property which fronts on Lawndale Drive and which is currently under development was rezoned from RS-12 to CD-GB by the City Council on August 1, 2005. The Zoning Commission favorably recommended that rezoning which has similar conditions to those proposed for the subject property. At that time, City Council approved a change to the Generalized Future Land Use Map from Low Residential to Commercial.

With the exception of the assisted living facility and the aforementioned property which is under development, all the nonresidential development/zoning has been inherited from the 1984

annexation of this area and the zoning pattern for this area has remained relatively stable since then.

This request is consistent with the actions that were taken by the City Council in August 2005 for the adjacent property, both in terms of the zoning classification and the GFLUM amendment. Approval of this request will likely result in an upgrading of the subject property which will be beneficial to the existing and new development in the immediate area.

GDOT: No additional comments.

Water Resources: Pipes / channels that carry public water require a Drainage Maintenance and Utility Easement (DMUE).

STAFF RECOMMENDATION

Based on all the information contained in this report, the Planning Department recommends approval of the Comprehensive Plan amendment to the Commercial land use classification and approval of the rezoning to Conditional District – General Business primarily due to:

- It is consistent with Growth at the Fringe Goal;
- It provides an opportunity for development of an underutilized/abandoned property that is in scale with the surrounding residential neighborhood;
- The existing building and proposed use are at the neighborhood commercial scale and appear to be compatible with the surrounding neighborhood; and
- It is consistent with recent Comprehensive Plan amendment and rezoning actions for adjacent property.